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Attorney for Defendant

U.S. COURTS
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UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PEDRO DUENAS-RIVERA a/k/a)
JOSE DIAZ-DIAZ,)
)
Defendant.)
_____)

Case No. CR-04-0085 E BLW

MOTION TO CONTINUE

COMES NOW the Defendant, by and through his attorney, DAVID N. PARMENTER,
and moves the Court for an order continuing the trial herein on the following grounds and for the
following reasons:

1. Mr. Parmenter was just appointed and became involved in this case in December
2003, and has not had sufficient time to adequately prepare for trial. Further, counsel has
received one separate group of investigative reports and discovery.


2. The U. S. Attorney's Office just recently filed the Indictment and the charges are relatively new; the parties have not yet had an adequate opportunity to fully investigate and prepare for trial.

3. Defendant was just arraigned approximately one month ago, and Counsel just received a few days ago additional police reports and other investigative reports and documentation from the U. S. Attorney's Office. The defense requests and needs the additional time in order to review those documents, discuss them with potential witnesses, and adequately prepare for trial. Further, Defendant has filed a motion to suppress, which he believes needs to be decided, and would be dispositive as to the charge of possession of methamphetamine. Moreover, he has requested that present counsel, David N. Parmenter, withdraw as attorney of record, and new counsel would also need an appropriate amount of time to prepare.

4. Assistant U. S. Attorney Mike Fica has advised that he agrees to the continuance. Further, no prior continuance has been sought or obtained.

5. Time for this continuance is excludable pursuant to 18 USC Section 3161(H)(8)(a), and so moves the Court. Defendant DUENAS-RIVERA would also suggest a continuance of at least 60 days, because of the nature of the case in order to adequately review the discovery, prepare for trial and subpoena any necessary witnesses.

DATED this 2nd of June, 2004.



DAVID N. PARMENTER
Attorney for Defendant

CERTIFICATE OF SERVICE

2nd I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this
day of JUNE, 2004 upon the following:

☒ Mail
☐ Fax
☐ Hand Delivery

Mike Fica, Assistant
U. S. Attorney
801 E. Sherman
Pocatello, ID 83201



DAVID N. PARMENTER